

RICHARD NAIWIEHA WURDEMAN
Attorney at Law, A Law Corporation

Pauahi Tower, Suite 720, 1003 Bishop Street, Honolulu, Hawaii 96813
Telephone: (808) 536-0633 * Facsimile: (808) 536-0634
e-mail: rnwurdeman@rnwlaw.com

July 14, 2016

VIA e-mail: rma3cc@yahoo.com

Judge Riki May Amano (Ret.)
c/o DPR Hawaii, Inc.
1003 Bishop Street, Suite 1155
Honolulu, HI 96813

RE: BLNR Contested Case Hearing Case HA-16-02
Reply to TMT International Observatory LLC's and UH Responses

Dear Judge Amano:

My clients stand by their requests and would respectfully request at least a fair amount of time, as discussed, once records are produced. My clients have been waiting since February 25, 2011 to have a fair and impartial process and to have due process followed. After a scathing admonishment by the Hawaii Supreme Court in its decision of December 2, 2015 of the egregious due process violations by the BLNR in the previous proceedings, we respectfully submit that we are being grossly deprived of all fairness and due process yet once again by the BLNR in this process. The so-called delay tactics that TMT discusses in its letter of this date is really about a 5 ½ year delay caused by BLNR, UH, and TMT, and for which they are solely responsible in not following the law during the first round of contested case hearings. In invalidating the permit and remanding the case back for a new contested case hearing, the Hawaii Supreme Court insisted that due process be followed. Yet, despite the Supreme Court's admonition, TMT wants Your Honor to follow the same kind of illegal process.

The delays in production of records are being caused by BLNR and their counsel, not the Mauna Kea Anaina Hou, et al. Petitioners and the Petitioners have a right to due process in a contested case hearing that the Supreme Court described in detail. The BLNR's/Hearing Officer's counsel certainly cannot provide fair and impartial advice if they have advocated on all of the issues to date that will be before you and these counsel have already taken positions in their advocacy contrary to much of the same type of evidence and same type of arguments that my clients previously presented in the first contested case hearing that will be presented once again. There appears to have been extensive coordination between counsel for UH and BLNR's and the Hearing Officer's current counsel in this advocacy and my clients have an absolute right

Judge Riki May Amano (Ret.)
July 14, 2016
Page -3-

under the law to production of all of these records, an absolute right to due process under the Constitution to properly present evidence in these proceedings, including filing motions, and an absolute right to a fair and impartial process.

Also, I will share with you preliminarily copies of some of the emails that were produced to date under the 92F requests. It includes such things as emails between TMT counsel, Douglas Ing, UH counsel, Ian Sandison, and counsel that is currently advising Your Honor in these proceedings about strategies on arrests and convictions of individuals, some of whom were recently added as parties in these instant proceedings. I am still awaiting production of the email in which apparently DAG Wynhoff, according to a news account, described how he found the "home run." It is obvious why TMT and UH wants this to be overlooked and maintain the same counsel, but is it fair and impartial to have a process where current counsel for the Hearing Officer were participating in strategy sessions with TMT's and UH's counsel on how to have some of the current parties arrested as well as prosecuted for their beliefs on Mauna Kea and to now provide counsel in these proceedings? That would be completely repugnant to due process and the fairness that the Hawaii Supreme Court demanded.

In addition, and in further objections to the allowance of TMT International Observatory, LLC's admission as a party, following the arguments that were made by the Mauna Kea Anaina Hou, et al. before Your Honor on June 17, 2016, the BLNR Chair sent out a letter to Mr. Kalani Flores and counsel for UH about the same sublease issue, dated June 28, 2016, a copy of which is attached hereto. The TMT's alleged property interest for admission as a party was based on a sublease, the validity of which Judge Greg Nakamura of the Third Circuit sent back to the BLNR to address. The BLNR Chair, with the apparent advice of the Deputy Attorney General copied in her June 28, 2016 letter, is now seeking briefs on addressing the same issues regarding the validity of the sublease. However, Your Honor already came to a decision on that matter and the BLNR Chair's attempt to now clear up the issue certainly appears to be the same "cart before the horse" due process violation that both the Supreme Court and Judge Greg Nakamura of the Third Circuit discussed in their decisions.

Respectfully submitted.

Very truly yours,



Richard Naiwieha Wurdeman

Attachments

cc: All parties VIA e-mail (except for those w/o, in which case by mail)

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568
for the Thirty Meter Telescope at the Mauna
Kea Science Reserve, Ka'ohe Mauka,
Hāmakua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02
Document title:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated:

Michael Cain
Office of Conservation and Coastal
Lands
1151 Punchbowl, Room 131
Honolulu, HI 96813
michael.cain@hawaii.gov
*Custodian of the Records
(original + digital copy)*

Judge Riki May Amano (Ret.)
rma3cc@yahoo.com
Hearing Officer

Julie China, Deputy Attorney General
julie.h.china@hawaii.gov
*Counsel for the Board of Land and
Natural Resources*

Carlsmith Ball LLP
isandison@carlsmith.com
*Counsel for the applicant University of
Hawai'i at Hilo*

Richard N. Wurdeman
RNWurdeman@RNWLaw.com
*Counsel for the petitioners Mauna Kea
Anaina Hou, Clarence Kukauakahi
Ching, Flores-Case 'Ohana, Deborah J.
Ward, Paul K. Neves, and Kahea: The
Environmental Alliance*

Watanabe Ing LLP
rshinyama@wik.com
douging@wik.com
*Counsel for TMT International
Observatory, LLC*

Harry Fergerstrom
hankhawaiian@yahoo.com

Richard L DeLeon
kekaukike@msn.com

Mehana Kihoi
uhiwai@live.com

C. M. Kaho'okahi Kanuha
kahookahi@gmail.com

Joseph Kualii Lindsey Camara
kuallic@hotmail.com

Torkildson, Katz, Moore, Hetherington
& Harris

isa@torkildson.com
njc@torkildson.com
*Counsel for Perpetuating Unique
Educational Opportunities (PUEO)*

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leina.ala.s808@gmail.com

Maelani Lee
maelanilee@yahoo.com

Lanny Alan Sinkin
lanny.sinkin@gmail.com
Representative for The Temple of Lono

Kalikolehua Kanaele
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Stephanie-Malia Tabbada
s.tabbada@hawaiiantel.net

Tiffnie Kakalia
tiffniekakalia@gmail.com

Glen Kila
makakila@gmail.com

Dwight J. Vicente
2608 Ainaola Drive
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha
brannonk@hawaii.edu

Cindy Freitas
hanahanai@hawaii.rr.com

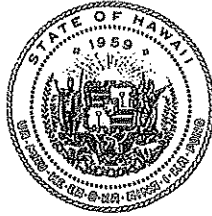
William Freitas
pohaku7@yahoo.com

Signature:

Name (Print):

Date:

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 28, 2016

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Mr. E. Kalani Flores
P.O. Box 6918
Kamuela, Hawaii 96743

Tim Lui-Kwan, Esq.
Arsima A. Muller, Esq.
Carlsmith Ball LLP
1001 Bishop Street
ASB Tower, Suite 2200
Honolulu, Hawaii 96813

Re: *Flores v. Board of Land and Natural Resources, et al.*,
Civil No. 14-1-324 (Hilo), Order for Remand

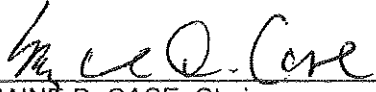
Dear Mr. Flores, Mr. Lui-Kwan, and Ms. Muller:

At its meeting of June 27, 2014, under agenda Item D-19, the Board of Land and Natural Resources (Board) approved a request by the University of Hawai'i for its consent to a sublease of a portion of Mauna Kea lands to TMT International Observatory LLC. The Board, however, stayed the effectiveness of the consent until administrative proceedings on the pending contested case requests were concluded.

At its meeting of July 25, 2014, under agenda Item D-13, the Board denied Mr. Flores' request for a contested case hearing. Mr. Flores appealed the denial and on April 5, 2016, the Circuit Court of the Third Circuit, in *Flores v. Board of Land and Natural Resources, et al.*, Civil No. 14-1-324 (Hilo), issued an Order for Remand, directing the Board to consider its order and the Supreme Court's decision in *Mauna Kea Anaina Hou v. Board of Land and Natural Resources, et al.*, 136 Hawai'i 376, 363 P.3d 224 (2015), as additional evidence. Copies of the Circuit Court's order in *Flores* and the Supreme Court's decision in *Mauna Kea Anaina Hou* are appended to this letter.

The parties are hereby ordered to submit briefs on the remand. The briefs may discuss any substantive or procedural issue relating to the Board's consent. All briefs must be filed with the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 130, Honolulu, Hawai'i 96813, by 4:00 p.m. on July 29, 2016, and served on the parties to the remand.

Sincerely,


SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

enclosures
cc: Julie H. China, Deputy Attorney General



{In Archive} RE: Meeting re TMT

Tim Lui-Kwan

to:

'Linda.L.Chow@hawaii.gov', Julie.H.China@hawaii.gov

04/15/2015 03:49 PM

Cc:

"Ian L. Sandison", "J. Douglas Ing"

Hide Details

From: Tim Lui-Kwan <tlukwan@carlsmith.com>

To: "'Linda.L.Chow@hawaii.gov'" <Linda.L.Chow@hawaii.gov>,

"Julie.H.China@hawaii.gov" <Julie.H.China@hawaii.gov>

Cc: "Ian L. Sandison" <isandison@carlsmith.com>, "J. Douglas Ing" <DougIng@wik.com>

History: This message has been forwarded.

Archive: This message is being viewed in an archive.

9am confirmed. We can meet at your office, Tim

From: Linda.L.Chow@hawaii.gov [<mailto:Linda.L.Chow@hawaii.gov>]

Sent: Wednesday, April 15, 2015 3:41 PM

To: Tim Lui-Kwan; Ian L. Sandison

Cc: Julie.H.China@hawaii.gov

Subject: Meeting re TMT

Tim and Ian,

We are both available on Friday, April 17th, at 9:00 am. Meet at our offices?

Linda L.W. Chow
Deputy Attorney General
Land Transportation Division

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Timothy J. Lui-Kwan

AG-001725

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Partner | Carlsmith Ball LLP

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Direct: (808) 523-2511 Fax: (808) 523-0842 Web: www.carlsmith.com Email: tjulkwan@carlsmith.com

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{In Archive} Mauna Kea Jurisdictional Issues - Conference Call

Ian L. Sandison

to:

Linda.L.Chow@hawaii.gov, Julie.H.China@hawaii.gov, 'J. Douglas Ing',
'darien.nagata@hawaii.county.gov'

04/17/2015 10:33 AM

Cc:

Tim Lui-Kwan

Hide Details

From: "Ian L. Sandison" <isandison@carlsmith.com>

To: "Linda.L.Chow@hawaii.gov" <Linda.L.Chow@hawaii.gov>, "Julie.H.China@hawaii.gov" <Julie.H.China@hawaii.gov>, "J. Douglas Ing" <DougIng@wik.com>, "darien.nagata@hawaii.county.gov" <darien.nagata@hawaii.county.gov>

Cc: Tim Lui-Kwan <tlui@carlsmith.com>

Archive: This message is being viewed in an archive.

All,

Please use the following bridge line for our 10:40 a.m. conference call this morning:

Dial In: 888-761-6665

Pass Code: 808-523-2526

Thanks,

Ian

Ian L. Sandison

Partner | Carlsmith Ball LLP

ASB TOWER 1001 BISHOP STREET, SUITE 2100, HONOLULU, HI 96813

Direct: (808) 523-2526 Fax: (808) 523-0842 Web: www.carlsmith.com Email: isandison@carlsmith.com

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file:///C:/Users/chowll/AppData/Local/Temp/notes87944B/~web4994.htm



{In Archive} RE: Mauna Kea Jurisdictional Issues - Conference Call

Ian L. Sandison

to:

'Linda.L.Chow@hawaii.gov', 'Julie.H.China@hawaii.gov', 'J. Douglas Ing',
'darien.nagata@hawaiicounty.gov'

04/17/2015 10:34 AM

Cc:

Tim Lui-Kwan

Hide Details

From: "Ian L. Sandison" <isandison@carlsmith.com>

To: "'Linda.L.Chow@hawaii.gov'" <Linda.L.Chow@hawaii.gov>,
'Julie.H.China@hawaii.gov'" <Julie.H.China@hawaii.gov>, "'J. Douglas Ing'"
<DougIng@wik.com>, "'darien.nagata@hawaiicounty.gov'"
<darien.nagata@hawaiicounty.gov>

Cc: Tim Lui-Kwan <tluikwan@carlsmith.com>

Archive: This message is being viewed in an archive.

Sorry, I mistyped Darien's email address in the prior email.

Ian

Ian L. Sandison
Partner | Carlsmith Ball LLP

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From: Ian L. Sandison
Sent: Friday, April 17, 2015 10:33 AM

AG-001728

file:///C:/Users/chowll/AppData/Local/Temp/notes87944B/~web9376.htm

To: Linda.L.Chow@hawaii.gov; Julie.H.China@hawaii.gov; 'J. Douglas Ing'; 'darien.nagata@hawaii.county.gov'
Cc: Tim Lui-Kwan
Subject: Mauna Kea Jurisdictional Issues - Conference Call

All,

Please use the following bridge line for our 10:40 a.m. conference call this morning:

Dial In: 888-761-6665
Pass Code: 808-523-2526

Thanks,

Ian

AG-001729



{In Archive} RE: Mauna Kea Jurisdictional Issues - Conference Call
Nagata, Darien

to:

Ian L. Sandison, 'Linda.L.Chow@hawaii.gov', 'Julie.H.China@hawaii.gov', 'J. Douglas Ing',
Bailey, Elizabeth B.

04/17/2015 11:32 AM

Cc:

Tim Lui-Kwan, "Roth, Mitch"

Hide Details

From: "Nagata, Darien" <Darien.Nagata@hawaiicounty.gov> Sort List...

To: "Ian L. Sandison" <isandison@carlsmith.com>, "Linda.L.Chow@hawaii.gov"
<Linda.L.Chow@hawaii.gov>, "Julie.H.China@hawaii.gov" <Julie.H.China@hawaii.gov>,
"J. Douglas Ing" <DougIng@wik.com>, "Bailey, Elizabeth B."
<Elizabeth.Bailey@hawaiicounty.gov>

Cc: Tim Lui-Kwan <tlukwan@carlsmith.com>, "Roth, Mitch"
<Mitch.Roth@hawaiicounty.gov>

Archive: This message is being viewed in an archive.

I am introducing Deputy Prosecuting Attorney "Britt" Bailey into this conversation.

Britt is our Deputy assigned to the Waimea courthouse and since the venue for these offenses are in Hamakua, therefore going to the Waimea courthouse, Britt will be the Deputy assigned to these case.

Britt has already charged/filed Criminal Trespass 2 (HRS 708-814) cases and it is anticipated that we will be charging additional charges of Obstructing (HRS 711-1105) on other cases referred to our office.

I am also "cc'ing" in Prosecutor Mitch Roth should he wish to add anything to this conversation.

For future cases, we would stress that we need to have the return to Hamakua Court (versus South Hilo Court) should the defendant(s) bail out and be provided with a future court date and courthouse.

I am expected at court now so I can provide more information in a later email.

Thank you,
Darien Nagata

AG-001730

From: Ian L. Sandison [mailto:isandison@carlsmith.com]
Sent: Friday, April 17, 2015 10:35 AM
To: 'Linda.L.Chow@hawaii.gov'; 'Julie.H.China@hawaii.gov'; 'J. Douglas Ing'; Nagata, Darien
Cc: Tim Lui-Kwan
Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

Sorry, I mistyped Darien's email address in the prior email.

Ian

Ian L. Sandison
Partner | Carlsmith Ball LLP

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From: Ian L. Sandison
Sent: Friday, April 17, 2015 10:33 AM
To: Linda.L.Chow@hawaii.gov; Julie.H.China@hawaii.gov; 'J. Douglas Ing'; 'darien.nagata@hawaii.county.gov'
Cc: Tim Lui-Kwan
Subject: Mauna Kea Jurisdictional Issues - Conference Call

All,

Please use the following bridge line for our 10:40 a.m. conference call this morning:

Dial In: 888-761-6665
Pass Code: 808-523-2526

Thanks,

Ian

AG-001731



{In Archive} RE: Mauna Kea Jurisdictional Issues - Conference Call
J. Douglas Ing

to:

Ian L. Sandison, 'Nagata, Darien', 'Linda.L.Chow@hawaii.gov', 'Julie.H.China@hawaii.gov',
Bailey, Elizabeth B.

04/17/2015 03:00 PM

Cc:

Tim Lui-Kwan, "Roth, Mitch"

Hide Details

From: "J. Douglas Ing" <DougIng@wik.com> Sort List...

To: "Ian L. Sandison" <isandison@carlsmith.com>, "'Nagata, Darien'"
<Darien.Nagata@hawaiicounty.gov>, "'Linda.L.Chow@hawaii.gov'"
<Linda.L.Chow@hawaii.gov>, "'Julie.H.China@hawaii.gov'" <Julie.H.China@hawaii.gov>,
"Bailey, Elizabeth B." <Elizabeth.Bailey@hawaiicounty.gov>

Cc: Tim Lui-Kwan <tlukwan@carlsmith.com>, "Roth, Mitch"
<Mitch.Roth@hawaiicounty.gov>

Archive: This message is being viewed in an archive.

This is to notify you that TMT **will not** be re-starting construction this coming Monday, and will not be working at the summit next week, except for upkeep and maintaining the equipment.

From: Ian L. Sandison [<mailto:isandison@carlsmith.com>]

Sent: Friday, April 17, 2015 12:32 PM

To: 'Nagata, Darien'; 'Linda.L.Chow@hawaii.gov'; 'Julie.H.China@hawaii.gov'; J. Douglas Ing; Bailey, Elizabeth B.

Cc: Tim Lui-Kwan; Roth, Mitch

Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

All,

Following up on Darien's question about the fact patterns we expect, attached are photographs of the protesters, TMT vehicles / personnel and law enforcement officers at the time of last arrests.

- In the first picture, the protesters are blocking the road adjacent to the visitor center at Hale Pohaku. This is the area where most of the protests occur and where the protesters spend the night currently.
- The second picture shows Lanikila slowly walking up the road adjacent to the dormitories / dining hall at

AG-001732

Hale Pohaku in front of the TMT vehicles and after the police had cleared the initial road block and made the initial arrests.

- The third picture shows DOCARE officers speaking with protesters sitting in the gravel road (just above Hale Pohaku) blocking TMT vehicles and just prior to being arrested.
- The last picture shows the protesters on SMA subleased property adjacent to TMT subleased property.

We are working on a map now.

Ian

From: Nagata, Darien [<mailto:Darien.Nagata@hawaiicounty.gov>]
Sent: Friday, April 17, 2015 11:33 AM
To: Ian L. Sandison; 'Linda.L.Chow@hawaii.gov'; 'Julie.H.China@hawaii.gov'; 'J. Douglas Ing'; Bailey, Elizabeth B.
Cc: Tim Lui-Kwan; Roth, Mitch
Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

I am introducing Deputy Prosecuting Attorney "Britt" Bailey into this conversation. Britt is our Deputy assigned to the Waimea courthouse and since the venue for these offenses are in Hamakua, therefore going to the Waimea courthouse, Britt will be the Deputy assigned to these case. Britt has already charged/filed Criminal Trespass 2 (HRS 708-814) cases and it is anticipated that we will be charging additional charges of Obstructing (HRS 711-1105) on other cases referred to our office.

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For future cases, we would stress that we need to have the return to Hamakua Court (versus South Hilo Court) should the defendant(s) bail out and be provided with a future court date and courthouse.

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From: Ian L. Sandison [<mailto:isandison@carlsmith.com>]
Sent: Friday, April 17, 2015 10:35 AM
To: 'Linda.L.Chow@hawaii.gov'; 'Julie.H.China@hawaii.gov'; 'J. Douglas Ing'; Nagata, Darien
Cc: Tim Lui-Kwan
Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

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Partner | Carlsmith Ball LLP

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To: Linda.L.Chow@hawaii.gov; Julie.H.China@hawaii.gov; 'J. Douglas Ing'; 'darien.nagata@hawaii.county.gov'
Cc: Tim Lui-Kwan
Subject: Mauna Kea Jurisdictional Issues - Conference Call

All,

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Dial In: 888-761-6665
Pass Code: 808-523-2526

Thanks,

Ian

AG-001734



{In Archive} RE: Mauna Kea Jurisdictional Issues - Conference Call

'Nagata, Darien',
Ian L. Sandison to: 'Linda.L.Chow@hawaii.gov',
'Julie.H.China@hawaii.gov', 'J. Douglas Ing',
Cc: Tim Lui-Kwan, "Roth, Mitch"

04/17/2015 12:32 PM

Archive: This message is being viewed in an archive.

[attachment "IMG_0439.jpg" deleted by Linda L Chow/AG/StateHiUS]
[attachment "IMG_0427.jpg" deleted by Linda L Chow/AG/StateHiUS]
[attachment "IMG_0428.png" deleted by Linda L Chow/AG/StateHiUS]
[attachment "IMG_0413.jpg" deleted by Linda L Chow/AG/StateHiUS]
All,

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Cc: Tim Lui-Kwan; Roth, Mitch
Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

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For future cases, we would stress that we need to have the return to Hamakua Court (versus South Hilo Court) should the defendant(s) bail out and be provided with a future court date and courthouse.

AG-001735

I am expected at court now so I can provide more information in a later email.

Thank you,
Darlen Nagata

From: Ian L. Sandison [mailto:isandison@carlsmith.com]
Sent: Friday, April 17, 2015 10:35 AM
To: 'Linda.L.Chow@hawaii.gov'; 'Julie.H.China@hawaii.gov'; 'J. Douglas Ing'; Nagata, Darlen
Cc: Tim Lui-Kwan
Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

Sorry, I mistyped Darlen's email address in the prior email.

Ian

Ian L. Sandison
Partner | Carlsmith Ball LLP

ASB TOWER 1001 BISHOP STREET, SUITE 2100, HONOLULU, HI 96813

Direct: (808) 523-2526 Fax: (808) 523-0842 Web: www.carlsmith.com Email: isandison@carlsmith.com

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From: Ian L. Sandison
Sent: Friday, April 17, 2015 10:33 AM
To: Linda.L.Chow@hawaii.gov; Julie.H.China@hawaii.gov; 'J. Douglas Ing';
'darien.nagata@hawaii.county.gov'
Cc: Tim Lui-Kwan
Subject: Mauna Kea Jurisdictional Issues - Conference Call

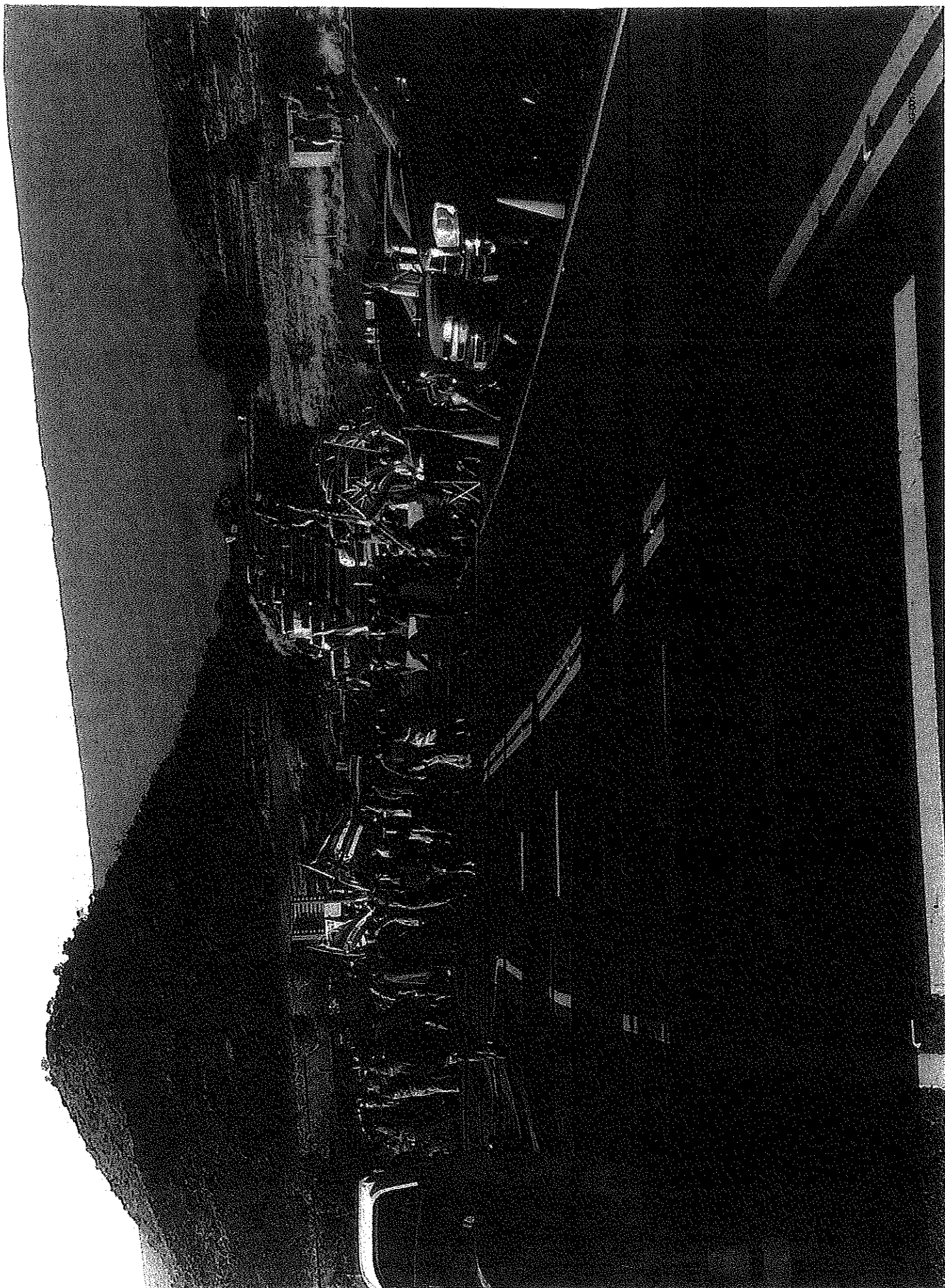
All,

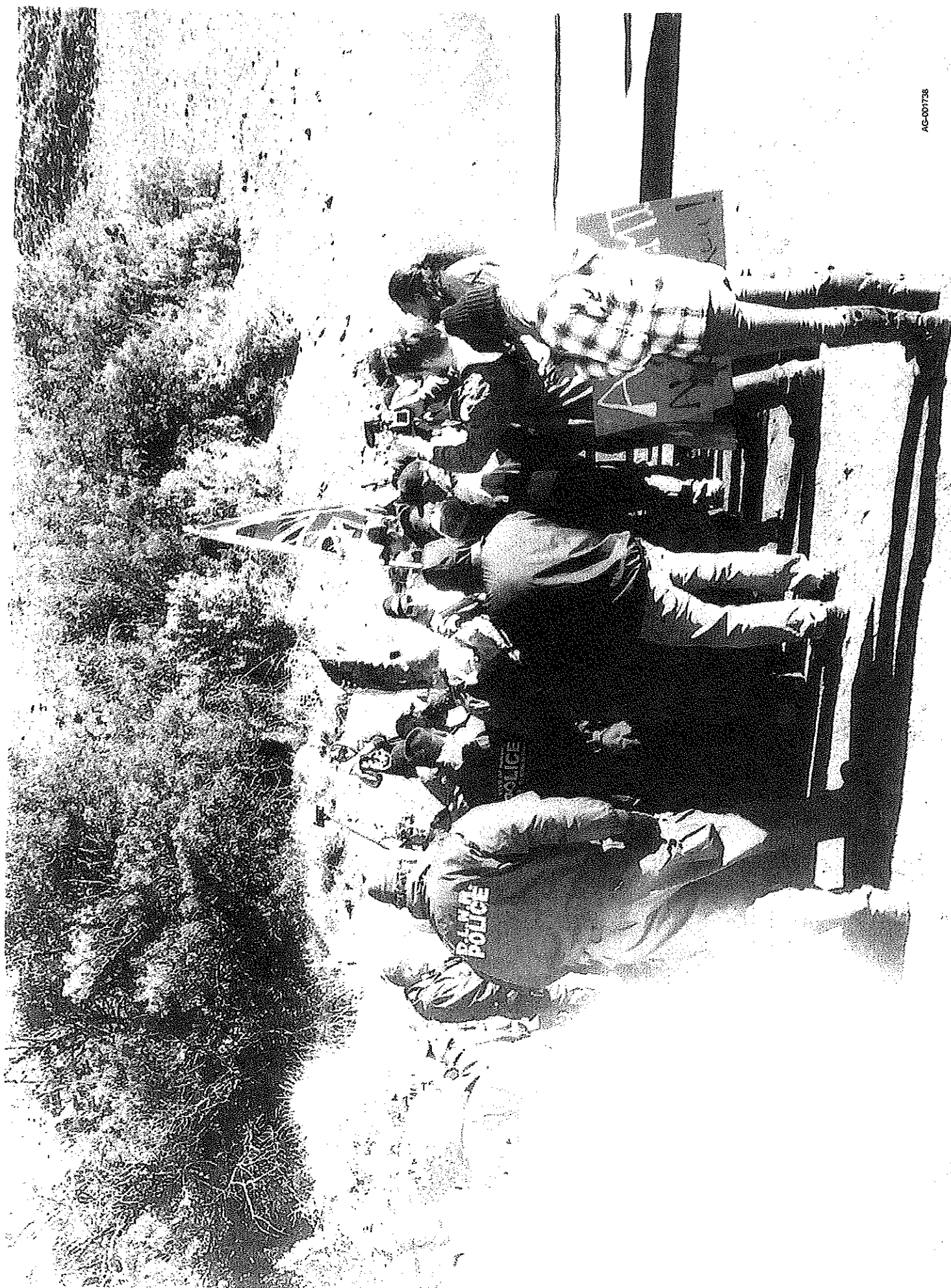
Please use the following bridge line for our 10:40 a.m. conference call this morning:

Dial In: 888-761-6665
Pass Code: 808-523-2526

Thanks,

Ian





⚡ Auto

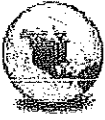


VIDEO PHOTO



AG-001739





[In Archive] RE: Mauna Kea Jurisdictional Issues - Conference Call

J. Douglas Ing to: Ian L. Sandison, 'Linda.L.Chow@hawaii.gov' 04/20/2015 01:40 PM

Cc: "Nagata, Darien", "Julie.H.China@hawaii.gov", "Bailey, Elizabeth B.", Tim Lui-Kwan, "Roth, Mitch"

Archive: This message is being viewed in an archive.

I am ok at 3:15 pm today. Doug

-----Original Message-----

From: Ian L. Sandison [mailto:isandison@carlsmith.com]

Sent: Monday, April 20, 2015 1:05 PM

To: 'Linda.L.Chow@hawaii.gov'

Cc: J. Douglas Ing; 'Nagata, Darien'; 'Julie.H.China@hawaii.gov'; Bailey, Elizabeth B.; Tim Lui-Kwan; Roth, Mitch

Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

Good by me. Ian

-----Original Message-----

From: Linda.L.Chow@hawaii.gov [mailto:Linda.L.Chow@hawaii.gov]

Sent: Monday, April 20, 2015 1:04 PM

To: Ian L. Sandison

Cc: 'J. Douglas Ing'; 'Nagata, Darien'; 'Linda.L.Chow@hawaii.gov';

'Julie.H.China@hawaii.gov'; Bailey, Elizabeth B.; Tim Lui-Kwan; Roth, Mitch

Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

I have another meeting at 2. How about 3:15?

Linda L.W. Chow
Deputy Attorney General
Land Transportation Division

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-----"Ian L. Sandison" <isandison@carlsmith.com> wrote: -----

=====

To: "'J. Douglas Ing'" <DougIng@wik.com>, "'Nagata, Darien'" <Darien.Nagata@hawaiicounty.gov>, "'Linda.L.Chow@hawaii.gov'" <Linda.L.Chow@hawaii.gov>, "'Julie.H.China@hawaii.gov'" <Julie.H.China@hawaii.gov>, "Bailey, Elizabeth B." <Elizabeth.Bailey@hawaiicounty.gov>

From: "Ian L. Sandison" <isandison@carlsmith.com>

Date: 04/20/2015 10:47AM

Cc: Tim Lui-Kwan <tluikwan@carlsmith.com>, "Roth, Mitch" <Mitch.Roth@hawaiicounty.gov>

Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

=====

All,

Attached is a first attempt at a map. Could we have a call today to fill in/correct the commentary? Does 2:00 p.m. work?

Thanks,

Ian

From: J. Douglas Ing [mailto:DougIng@wik.com]
Sent: Friday, April 17, 2015 3:00 PM
To: Ian L. Sandison; 'Nagata, Darien'; 'Linda.L.Chow@hawaii.gov';
'Julie.H.China@hawaii.gov'; Bailey, Elizabeth B.
Cc: Tim Lui-Kwan; Roth, Mitch
Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

This is to notify you that TMT will not be re-starting construction this coming Monday, and will not be working at the summit next week, except for upkeep and maintaining the equipment.

From: Ian L. Sandison [mailto:isandison@carlsmith.com]<mailto:[mailto:isandison@carlsmith.com]>
Sent: Friday, April 17, 2015 12:32 PM
To: 'Nagata, Darien'; 'Linda.L.Chow@hawaii.gov'; 'Julie.H.China@hawaii.gov';
J. Douglas Ing; Bailey, Elizabeth B.
Cc: Tim Lui-Kwan; Roth, Mitch
Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

All,

Following up on Darien's question about the fact patterns we expect, attached are photographs of the protesters, TMT vehicles / personnel and law enforcement officers at the time of last arrests.

• In the first picture, the protesters are blocking the road adjacent to the visitor center at Hale Pohaku. This is the area where most of the protests occur and where the protesters spend the night currently.

• The second picture shows Lanikila slowly walking up the road adjacent to the dormitories / dining hall at Hale Pohaku in front of the TMT vehicles and after the police had cleared the initial road block and made the initial arrests.

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• The last picture shows the protesters on SMA subleased property adjacent to TMT subleased property.

We are working on a map now.

Ian

From: Nagata, Darien [mailto:Darien.Nagata@hawaiicounty.gov]
Sent: Friday, April 17, 2015 11:33 AM
To: Ian L. Sandison; 'Linda.L.Chow@hawaii.gov'; 'Julie.H.China@hawaii.gov';
'J. Douglas Ing'; Bailey, Elizabeth B.
Cc: Tim Lui-Kwan; Roth, Mitch
Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

I am introducing Deputy Prosecuting Attorney “Britt” Bailey into this conversation.
Britt is our Deputy assigned to the Waimea courthouse and since the venue for these offenses are in Hamakua, therefore going to the Waimea courthouse, Britt will be the Deputy assigned to these case.

Britt has already charged/filed Criminal Trespass 2 (HRS 708-814) cases and it is anticipated that we will be charging additional charges of Obstructing (HRS711-1105) on other cases referred to our office.

I am also “cc’ing” in Prosecutor Mitch Roth should he wish to add anything to this conversation.

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I am expected at court now so I can provide more information in a later email.

Thank you,
Darien Nagata

From: Ian L. Sandison [mailto:isandison@carlsmith.com]<mailto:[mailto:isandison@carlsmith.com]>
Sent: Friday, April 17, 2015 10:35 AM
To: 'Linda.L.Chow@hawaii.gov'; 'Julie.H.China@hawaii.gov'; 'J. Douglas Ing'; Nagata, Darien
Cc: Tim Lui-Kwan
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Sorry, I mistyped Darien’s email address in the prior email.

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Cc: Tim Lui-Kwan
Subject: Mauna Kea Jurisdictional Issues - Conference Call

All,

Please use the following bridge line for our 10:40 a.m. conference call this morning:

Dial In: 888-761-6665
Pass Code: 808-523-2526

Thanks,

Ian

[attachment(s) Maunakea Access Roads 2015-04-17.pdf removed by Linda L
Chow/AG/StateHiUS]



{In Archive} RE: Mauna Kea Jurisdictional Issues - Conference Call

J. Douglas Ing to: Bailey, Elizabeth B.

04/20/2015 04:10 PM

"Nagata, Darien", "Julie.H.China@hawaii.gov", Tim Lui-Kwan

Cc: , "Roth, Mitch", "Ian L. Sandison",

"Linda.L.Chow@hawaii.gov" , "Ross T. Shinyama"

Archive:

This message is being viewed in an archive.

1 attachment



TMT- Legal argument re prosecution of protesters.docx

Britt,
Thank you for joining the call today. In follow up, attached is the memo regarding sovereignty, the Kingdom, lack of jurisdiction issues and Judge Cardoza's ruling. This was prepared by Ross Shinyama of our office. Feel free to contact him if you have questions. Doug

J. Douglas Ing, Esq.
Watanabe Ing LLP
999 Bishop Street, 23rd Floor
Honolulu, Hawaii 96813
Direct Line: (808) 544-8324
Email Address: douging@wik.com

-----Original Message-----

From: Ian L. Sandison [mailto:isandison@carlsmith.com]
Sent: Monday, April 20, 2015 1:45 PM
To: J. Douglas Ing; 'Linda.L.Chow@hawaii.gov'
Cc: 'Nagata, Darien'; 'Julie.H.China@hawaii.gov'; Bailey, Elizabeth B.; Tim Lui-Kwan; Roth, Mitch
Subject: RE: Mauna Kea Jurisdictional Issues - Conference Call

Let's use the following bridge line for the 3:15 call

Dial In: 888-761-6665
Pass Code: 808-523-2526

Thanks,

Ian

-----Original Message-----

From: J. Douglas Ing [mailto:DougIng@wik.com]
Sent: Monday, April 20, 2015 1:41 PM
To: Ian L. Sandison; 'Linda.L.Chow@hawaii.gov'
Cc: 'Nagata, Darien'; 'Julie.H.China@hawaii.gov'; Bailey, Elizabeth B.; Tim Lui-Kwan; Roth, Mitch
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Sent: Monday, April 20, 2015 1:05 PM
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Cc: J. Douglas Ing; 'Nagata, Darien'; 'Julie.H.China@hawaii.gov'; Bailey,

Elizabeth B.; Tim Lui-Kwan; Roth, Mitch
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Cc: 'J. Douglas Ing'; 'Nagata, Darien'; 'Linda.L.Chow@hawaii.gov';
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<Darien.Nagata@hawaiicounty.gov>, "'Linda.L.Chow@hawaii.gov'"
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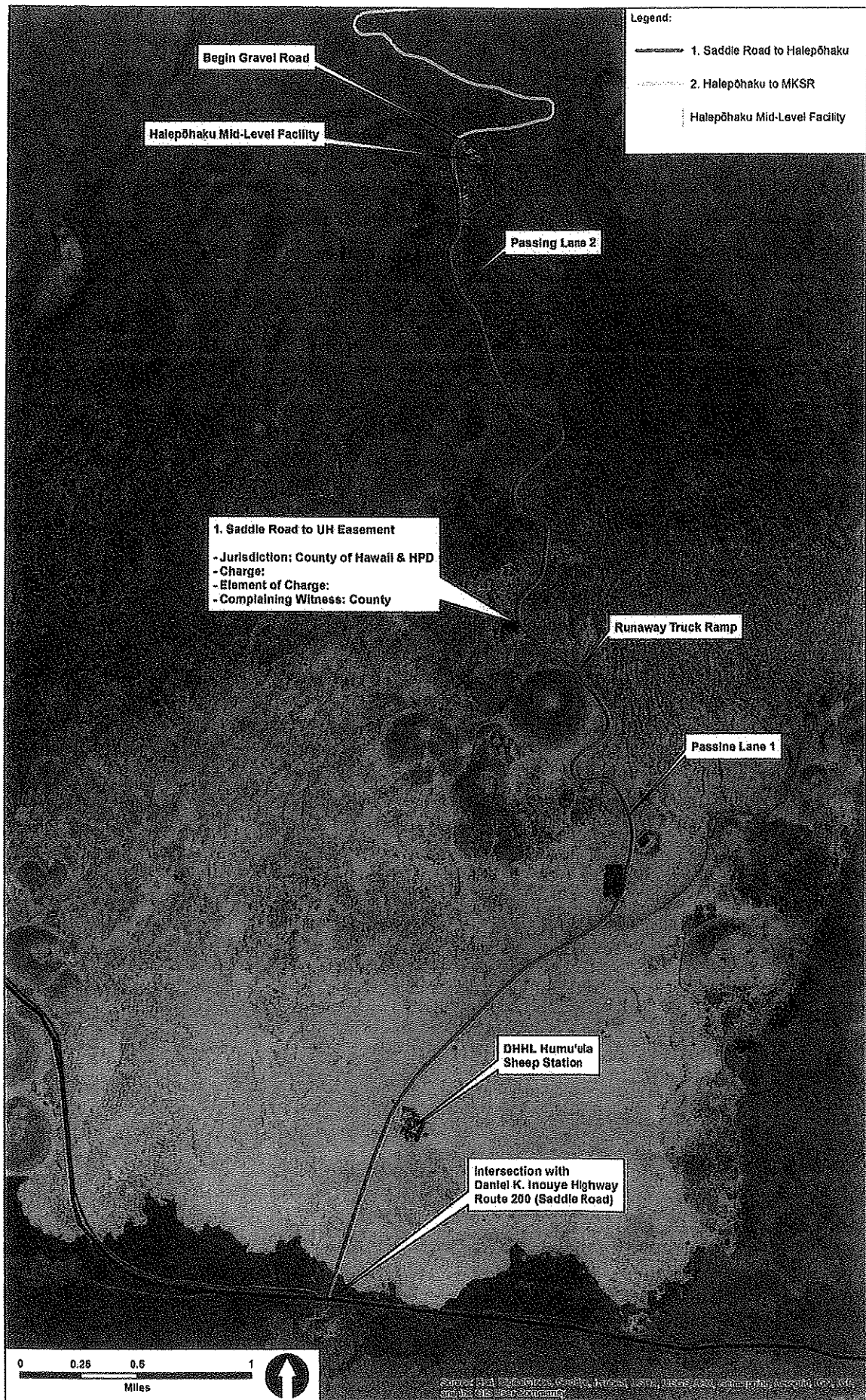
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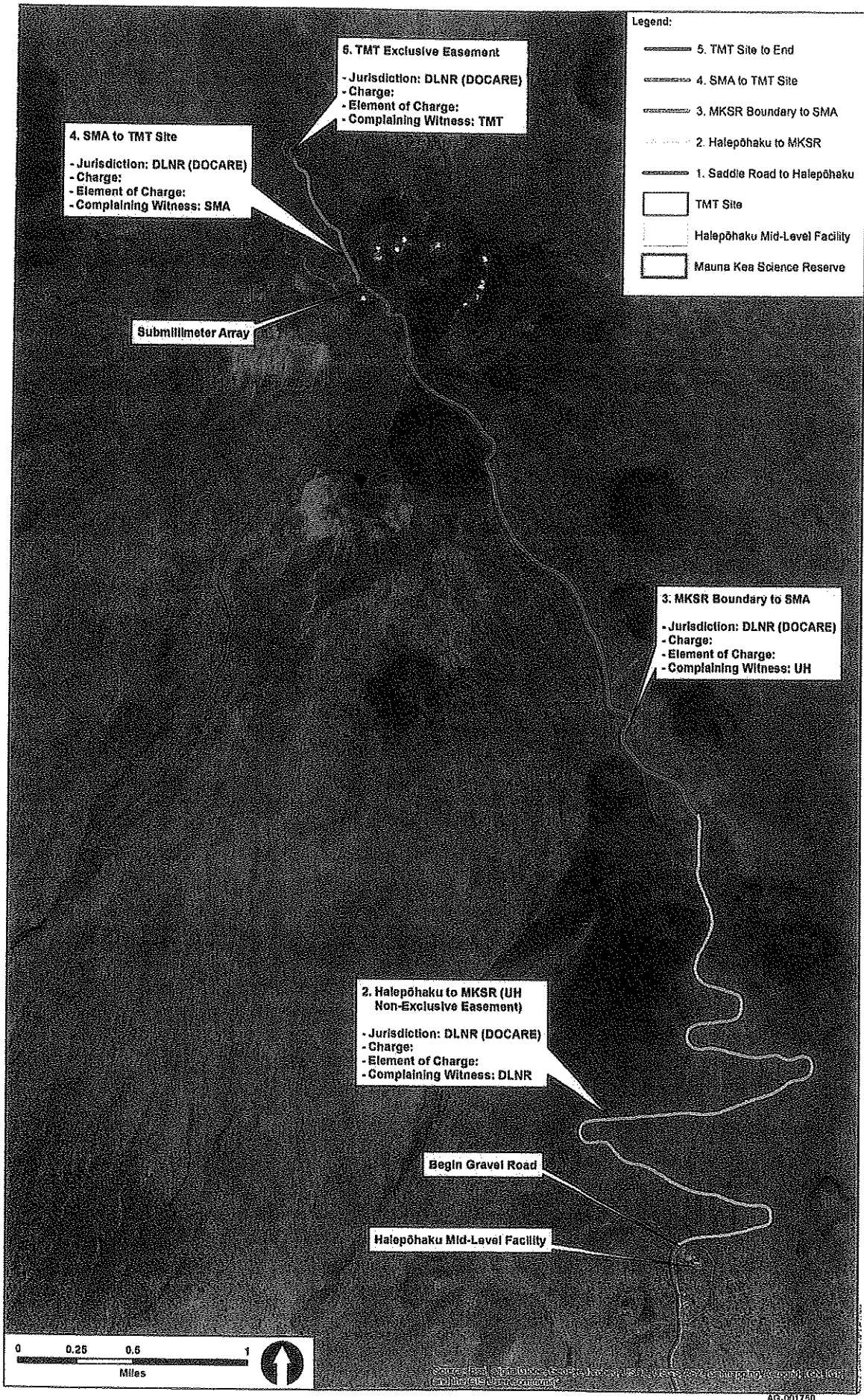
Dial In: 888-761-6665
Pass Code: 808-523-2526

Thanks,

Ian

[attachment(s) Maunakea Access Roads 2015-04-17.pdf removed by Linda L Chow/AG/StateHiUS]







TMT Casesa

Bailey, Elizabeth B. to: J. Douglas Ing

05/11/2015 05:28 PM

"Julie.H.China@hawaii.gov", Tim Lui-Kwan, "Ian L.
Cc: Sandison", "Linda.L.Chow@hawaii.gov", "Ross T. Shinyama"

History: This message has been replied to.

Hi all,

I am writing to request for any discoverable materials in relation to the TMT arrests. Our office needs to get discovery to the various attorneys involved by the end of the week. If there are any reports from witnesses, would you be able to please provide them to our office. For example, did TMT security draft a report regarding the trespass of Defendants on TMT land and the subsequent arrests. Were warnings given to the trespass Defendants as to their being on private property and not having permission to be there?

Please contact me with any questions, and thank you for any assistance you can provide in this matter.

Britt

E. Britt Bailey
Deputy Prosecuting Attorney
Office of the Prosecuting Attorney
County of Hawai'i
64-1067 Mamalahoa Hwy., C-3
Kamuela, Hawai'i 96743

Phone: (808) 887-3017
Fax: (808) 887-3016
Email: Elizabeth.Bailey@HawaiiCounty.gov